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LA0046a CIP-1 (CPA)

**CERTIFICATE OF MAILING**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Burton Rodney  
Type or print name

Signature

June 10, 2002  
Date

Address to: Assistant Commissioner for Patents  
Box CPA  
Washington, DC 20231

**CONTINUED PROSECUTION APPLICATION (CPA)  
REQUEST TRANSMITTAL**

This is a request for a **continuation** application under 37 CFR §1.53(d) (continued prosecution application (CPA)) of prior Application No. 09/460,920, filed on December 14, 1999.

Applicant: BETH ANNE PIPER

Title: METHOD FOR TREATING DIABETES

**NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR §1.51(b), or (2) the national stage of an international application in compliance with 35 USC §371. A Notice will be placed on a patent issuing from a CPA, except for reissues and designs, to the effect that the patent issued on a CPA and is subject to the twenty-year patent term provisions of 35 USC §154(a)(2). Therefore, the prior application of a CPA may have been filed before, on or after June 8, 1995.

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR §1.53(d), but must be filed under 37 CFR §1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR §1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC §122 to the extent that any member of the public who is entitled under the provisions of 37 CFR §1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 USC §120 STATEMENT:** In a CPA, no references to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC §120 and to every application assigned the application number identified in such request, 37 CFR §1.78(a).

1. ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR §1.116 in the prior nonprovisional application.
2. ☒ A Preliminary Amendment is enclosed.
3. ☐ This application is filed by fewer than all the inventors named in the prior application, 37 CFR §1.53(d)(4). DELETE the following inventor(s) named in the prior nonprovisional application:
4. ☐ A new Declaration and Power of Attorney is enclosed.
5. ☒ An Information Disclosure Statement (IDS) is enclosed:
  - a. ☒ PTO-1449 or similar form
  - b. ☐ Copies of IDS citations
6. ☒ A return receipt postcard is enclosed.

06/18/2002 AWDNDAF1 00000124 193880 09460920  
01 FD:131 740.00 CH  
02 FD:102 168.00 CH  
03 FD:103 36.00 CH

7. ☒ The right to elect an invention or species that is different from that elected in parent Application No. 09/460,920 in the event of a restriction or election of species requirement that is identical or substantially similar to that made in said parent application is hereby reserved.
8. ☐ Other:

Filing fee calculation:

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- ☒ Before calculating the filing fee, please enter the enclosed Preliminary Amendment.
- ☐ Before calculating the filing fee, please cancel claims

Basic Filing Fee								\$	740
Multiple Dependent Claim Fee (\$ 280)								\$	
	For	Number Filed		Number Extra		Rate			
Extra Claims	Total Claims	22	-20	2	x	\$	18	=	\$ 36
	Independent Claims	5	-3	2	x	\$	84	=	\$ 168
TOTAL FILING FEE								\$	944

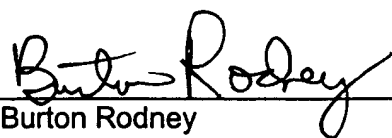
- ☒ Please charge Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company in the amount of \$944. An additional copy of this paper is enclosed. The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.16 and §1.17 which may be required in connection with this application, or credit any overpayment, to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

Please address all correspondence to:

- ☒ the present correspondence address for prior Application No. 09/460,920
- ☐ the address associated with Customer No. 23914, which is currently:
- Stephen B. Davis  
Bristol-Myers Squibb Company  
Patent Department  
P.O. Box 4000  
Princeton, NJ 08543-4000

Please direct all telephone calls to the undersigned at the number given below and all telefaxes to (609) 252-4526.

Respectfully submitted,

  
Burton Rodney  
Attorney for Applicant  
Reg. No. 22,076  
Tel. No. (609) 252-4336

Date: June 10, 2002

U.S. PATENT & TRADEMARK OFFICE  
JUN 17 2002

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June 10, 2002  
Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

Art Unit: 1614

BETH ANNE PIPER

Examiner: R. Cook

APPLICATION NO: 09/460,920

FILED: DECEMBER 14, 1999

FOR: METHOD FOR TREATING DIABETES

Assistant Commissioner for Patents  
Washington, D.C. 20231

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PRELIMINARY AMENDMENT

Sir:

Please add the following claims in the above identified application.

73. A method for first line treatment of type 2 diabetes, in a drug naïve human patient, which comprises administering to a drug naïve human patient in need of treatment, as first line therapy, a therapeutically effective low dose of a combination of metformin and glyburide wherein the glyburide bioavailability is comparable to the glyburide bioavailability obtained with a separate administration of metformin and glyburide.

74. The method as defined in Claim 73 where at most 10% of the particles of the glyburide are less than 2  $\mu\text{m}$  and at most 10% of the particles of the glyburide are greater than 60  $\mu\text{m}$ .

75. The method as defined in Claim 73 where at most 10% of the particles of the glyburide are less than 3  $\mu\text{m}$  and at most 10% of the particles of the glyburide are greater than 40  $\mu\text{m}$ .

76. The method as defined in Claim 73 where at most 25% of the particles of the glyburide are less than 11  $\mu\text{m}$  and at most 25% of the particles are greater than 46  $\mu\text{m}$ .